

UNITED STATES DISTRICT COURT

for the
Eastern District of Missouri

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*Two buccal swabs for DNA comparison from Conrad Sparkman having
the date of birth of 05/04/1984, social security number 565-81-5607,
and who is currently being held at the St. Louis City Justice Center at
200 S. Tucker Blvd, St. Louis, MO 63102.

Case No. 4:20 1202 JMB

SIGNED AND SUBMITTED TO THE COURT FOR
FILING BY RELIABLE ELECTRONIC MEANS

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under
penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the
property to be searched and give its location)*:

See Attachment A.

located in the Eastern District of Missouri, there is now concealed *(identify the
person or describe the property to be seized)*:

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 922(g)(1)

Offense Description
Felon in possession of a firearm

The application is based on these facts:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

I state under the penalty of perjury that the following is true and correct.

Ryan Herring
Applicant's signature

Special Agent Ryan Herring, ATF

Printed name and title

Sworn to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41.

Date: 09/01/2020City and state: St. Louis, MO*Judge's signature*

John M. Bodenhause

Honorable Shirley P. Mensah, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

DESCRIPTION OF LOCATION TO BE SEARCHED

The person of Conrad Sparkman, date of birth 05/04/1984, Social Security Number 565-81-5607.

ATTACHMENT B

DESCRIPTION OF ITEMS TO BE SEIZED AND SEARCHED

Two (2) Buccal swabs from inside the mouth of the person described in Attachment A, which constitute evidence of the commission of violation of Title 18, United States Code, Section 922(g)(1) (felon in possession of a firearm).

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

Your affiant, Special Agent Ryan Herring, being duly sworn deposes and states the following:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) currently assigned to the Fairview Heights Field Office, Illinois and have been so employed since December of 2018. Your affiant was previously employed as a Police Officer with the Illinois State Police from 2016 to 2018. Your affiant received a Valor Award on behalf of the Illinois State Police. This award is given to first responders of Cook and Lake County of the state of Illinois who have gone above and beyond to protect their communities. Your affiant currently conducts criminal investigations into cases of illegal possession/transfer of firearms, firearms trafficking, violent crimes involving firearms and narcotics trafficking and narcotics possession. The facts alleged in this affidavit come from my own investigation, my training and experience, and information obtained from other investigators and witnesses.

2. Your affiant is responsible for investigating violations of Federal firearms laws, including Title 18 U.S.C. Section 922(g)(1), making it unlawful for any person who has been convicted of a crime punishable by more than one year in prison, to possess a firearm, which affects, or is transported in interstate commerce.

3. This affidavit is submitted in support of an application for a search warrant for the person of Conrad Sparkman, (more fully described in Attachment A), there being probable cause to believe that located in the place described in Attachment A is evidence described in Attachment B, being evidence of violation of Title 18, United States Code, Section 922(g)(1), specifically, felon in possession of a firearm.

4. The following is a partial summary of the information developed as a result of an on-going investigation by myself and other law enforcement officers. Since this affidavit is

being submitted for the limited purpose of securing a search warrant, this affiant has not included each and every fact known to this affiant concerning this investigation.

5. On July 11, 2019, at approximately 12:15 PM, St. Louis Metropolitan Police Department (“SLMPD”) Police Officers Cameron Jackson (“PO Jackson”) and Matthew Shaw (“PO Shaw”) on routine patrol observed a 2016 Nissan Altima automobile being operated with an expired Missouri temporary license plate in the area of North Spring and Dr. M. L. King, which is located in the City of St. Louis within the Eastern District of Missouri.

6. The officers attempted to conduct a traffic stop on the Nissan Altima. The driver of the Altima, later identified as Defendant, Conrad SPARKMAN, sped off, violating several traffic control devices and swerving into opposite lanes of traffic. The officers discontinued their pursuit of the Nissan Altima and notified SLMPD dispatch of the vehicle description and direction of travel.

7. Aviation Unit officers located the same Nissan Altima and tracked the path of the vehicle to the 4100 block of Shreve. The Aviation Unit officers relayed this information to responding officers.

8. Defendant SPARKMAN parked the Nissan Altima, exited the driver’s door and walked away from the vehicle. PO’s Jackson and Shaw drove their marked police vehicle onto the 4100 block of Shreve and parked near the Nissan Altima. The officers observed Defendant walk away from the Altima.

9. The officers exited their police vehicle and attempted to arrest Defendant. Defendant ran from the officers.

10. While fleeing, Defendant retrieved a loaded Taurus make, 9mm caliber, semi-automatic pistol from his waistband and fired at the officers. PO’s Jackson and Shaw returned fire, striking Defendant in his right hand as he held the firearm and in his left arm.

11. Defendant dropped the firearm and continued to flee from the officers. Defendant ran through an alley and was taken into custody in the 4800 block of Bessie.

12. Defendant's firearm was recovered and evidenced ballistic damage to the trigger and trigger guard.

13. An Evidence Technician Unit ("ETU") Officer responded to and processed the scene, including the recovered firearm. The ETU officer took DNA swabs of the recovered firearm.

14. A search of the Nissan Altima, VIN 1N4AL3AP1GN330208, revealed an extended gun magazine loaded with 10 live rounds of 9mm ammunition in the driver's door interior panel and two cell phones in the center console. An ETU officer also took DNA swabs of the Nissan Altima and items located inside the vehicle.

15. The SLMPD Crime Laboratory was able to develop a DNA profile from the samples taken from the recovered firearm, crime scene, Nissan Altima and the items located inside the vehicle. The DNA profile was placed into the CODIS database. A CODIS hit from the DNA swabs was identified to SPARMAN via the CODIS database.

16. A true and accurate copy of the CODIS hit notification is set out on the next page:



St. Louis Metropolitan Police Department
CODIS Hit Notification

CN 19033055, LAB-19-004773

On 09/02/2019, DNA from the listed evidence from the below case:

Lab Number: 19-004773
Item 006-01: A swab of the piece of plastic
Investigating Agency: Saint Louis Police Department
Agency Number: 19033055
Offense: Assault on an Officer
Date of Offense: 07/11/2019
Location of Occurrence: 4155 Shreve Ave. / 306
Victim(s): STATE OF MISSOURI

Matched DNA from the below listed individual:

Name: CONRAD SPARKMAN
DOB: 5/4/1984
Identification Number: MO 74911950
Race, Gender: Black, M

Officer Instruction(s):

As of this writing, the laboratory does not have a reference standard on file from the individual(s) listed above. SLMPD must receive a buccal swab from the individual(s) for in-house confirmation before a lab report can be produced reflecting this hit. It is the responsibility of the investigating detective to obtain a buccal swab for the lab analysis.

If this DNA is determined to be a witness, victim, visitor to the residence/business, relative, spouse, or unrelated to the crime, please contact the lab. The specimen would have to be removed from upper level CODIS databases.

Notification completed by:

EDuke 8773

Erin Duke 8773
CODIS Administrator

17. However, the SLMPD crime laboratory does not have a separate reference sample on file for SPARKMAN. The SLMPD crime laboratory requires a buccal swab of SPARKMAN for an in-house confirmation before a SLMPD crime laboratory report is produced with findings. The purpose of this search warrant is to permit law enforcement to obtain SPARKMAN'S reference buccal sample in order for a DNA comparison to be made and so that a report can be made reflecting the laboratory's findings.

18. Based on the facts herein, which establishes probable cause that SPARKMAN committed the subject offense, a buccal sample is sought. Likewise, a CODIS match has already occurred between SPARKMAN'S DNA profile maintained by the CODIS database and the DNA profile developed from DNA samples taken from the recovered firearm, the crime scene, and Nissan Altima.

19. A DNA comparison would serve to establish whether SPARKMAN is the gunman who possessed, fired and dropped the firearm on July 11, 2019. The buccal swabs to be obtained from SPARKMAN may contain biological/DNA evidence relevant to the investigation. Such evidence, if it exists and is matched with the DNA standards provided by SPARKMAN, is likely to provide a conclusive forensic link to SPARKMAN's participation in the aforementioned felon in possession of a firearm.

20. Based on the foregoing, your affiant respectfully submits that there is probable cause to believe that the above described individual has committed the subject offense, and that, in light of the above information regarding the SLMPD crime laboratory finding DNA on the items described above and preliminarily identifying that DNA as belonging to SPARKMAN. There is probable cause to believe that obtaining samples of SPARKMAN's DNA via a buccal swab(s) from his mouth is necessary in order to complete the forensic examination of these items and resulting comparison.

21. On August 8, 2019, the federal grand jury in the Eastern District of Missouri returned an indictment charging SPARKMAN with violation of Title 18, United States Code, Section 922(g)(1). *See USA v. Sparkman*, 4:19-cr-00635, Dkt. 16.

22. SPARKMAN was ordered detained pending trial. He is currently being held in the St. Louis City Justice Center Jail, which is within the Eastern District of Missouri.

23. For the reasons set out above, affiant respectfully requests a search warrant to seize two buccal swabs from Conrad SPARKMAN, black male, having the date of birth of May 4, 1984, for the purposes of a DNA comparison – *i.e.* a comparison of the DNA obtained from the firearm, crime scene and the Nissan Altima described above, as well as the DNA that will be obtained through SPARKMAN's buccal swabs requested herein.

24. For purposes of obtaining SPARKMAN's DNA, it is the intent of law enforcement officials to ensure the presence of SPARKMAN's attorney at the time his DNA is obtained. In order to do so, the United States Attorney's Office will coordinate an agreed upon date, time, and location for law enforcement to collect Conrad Sparkman's DNA in the presence of SPARKMAN's attorney.

Use of Force to Execute Warrant

25. On August 31, 2020, the United States District Court issued a warrant for the buccal swab collection of DNA from SPARKMAN. *See*, 4:20-mj-01202-JMB.

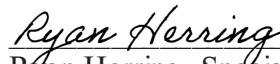
26. On September 1, 2020, at 1:30 p.m., the undersigned affiant attempted to execute the search warrant on SPARKMAN at the St. Louis City Justice Center. SPARKMAN'S attorney was present and discussed the necessity of complying with the warrant. SPARKMAN refused to submit to the search warrant.

27. Since the attempted execution of the warrant, the United States has had additional conversations with counsel for Defendant regarding obtaining a buccal swab from SPARKMAN. SPARKMAN does not consent to the buccal swab.

28. Given SPARKMAN's refusal to acquiesce to the execution of the search warrant, the United States believes it is likely that force is necessary to execute this warrant.

29. Therefore, the United States seeks authorization from the Court for the use of reasonable force in order to obtain DNA from SPARKMAN. See *Rendelman v. Scott*, 378 F. App'x 309, 313 (4th Cir. 2010) ("[T]he State's right to obtain the DNA sample from designated inmates must necessarily carry with it the right to use a reasonable degree of force that is sufficient to ensure compliance. Otherwise, the State's right can be rendered meaningless by an inmate who refuses to grant permission for the cheek swab."); *United States v. Bullock*, 71 F.3d 171, 176 & n.4 (5th Cir. 1995) (explaining that officers had right to use force to execute a blood sample warrant when plaintiff resisted and that plaintiff "had no right to resist execution of a search warrant[]"); *United States v. Johnson*, 462 F.2d 423, 427 (3d Cir. 1972) ("[A] person does not have the right to forcibly resist execution of a search warrant by a peace officer or a Government agent, even though that warrant may subsequently be held to be invalid.").

I state under the penalty of perjury that the foregoing is true and correct.

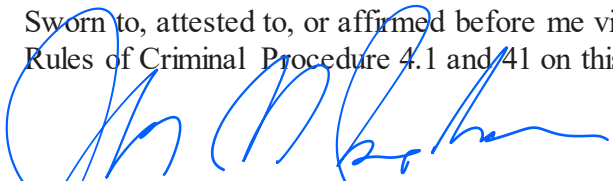


Ryan Herring, Special Agent, ATF

09/01/2020

Date

Sworn to, attested to, or affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41 on this 1st day of September, 2020.



HONORABLE JOHN M. BODENHAUSEN
United States Magistrate Judge
Eastern District of Missouri

ATTACHMENT A

DESCRIPTION OF LOCATION TO BE SEARCHED

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ATTACHMENT B

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